

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

IN THE MATTER OF THE APPLICATION) OF DAMARISCOVE SEAFOOD, LLC) FOR RENEWAL OF AN AQUACULTURE) LEASE LOCATED IN CLARKS COVE) IN THE DAMARISCOTTA RIVER, SOUTH) BRISTOL, LINCOLN COUNTY, MAINE)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
--	--

On May 27, 2004, Damariscove Seafood, LLC applied for the renewal of an aquaculture lease issued on April 6, 2004¹. The Company requested a ten-year renewal, to December 1, 2014, of a 5-acre suspended culture lease located in Clarks Cove in the Damariscotta River, South Bristol, Lincoln County, Maine.

Notice of the application for lease renewal was published in the October 2004 issue of Commercial Fisheries News and the October 7, 2004 and October 21, 2004 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to November 6, 2004 to request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 300 acres; and the lease is not being held for speculative purposes.

Damariscove Seafood has complied with the lease agreement since acquiring the lease in April of 2004. In determining whether the lease is being held for speculative purposes, the Department looks to whether substantially no aquaculture or research has been conducted on the lease site. The leaseholder has conducted shellfish aquaculture on the site.

I. _____

¹ The lease was originally issued to Abandoned Farm, Inc. in 1994, and was transferred to Damariscove Seafood on April 6, 2004.

In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There are no known conflicts with other new or existing uses of the area. Therefore, it is in the best interest of the state to renew this lease. Additionally, the renewal of this lease will not cause Damariscove Seafood to lease more than 300 acres.

Finally, the leaseholder has requested that the lease be decreased in size from 5 acres to 1 acre. The following lease description shall define the new 1-acre lease site: STARTING at the point Latitude 43°55'49.40"N, Longitude 69°34'21.78"W (datum NAD83/WGS84), and point of beginning; thence 123.80° True, a distance of 435.04 feet to the northeast corner (43°55'47.01"N, 69°34'16.84"W); thence 213.82° True, a distance of 99.94 feet to the southeast corner (43°55'46.19"N, 69°34'17.60"W); thence 303.75° True, a distance of 435.65 feet to the southwest corner (43°55'48.58"N, 69°34'22.55"W); thence 34.16° True, a distance of 100.35 feet to the northwest corner and point of beginning.

Decision

The Commissioner of Marine Resources grants the application of Damariscove Seafood, LLC for renewal of the 1-acre aquaculture lease located in Clarks Cove in the Damariscotta River, South Bristol, Maine, for a period of ten years, to December 1, 2014. In the renewal of this lease, Damariscove Seafood, LLC is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources